

Notice of Allowability

Application No.

10/029,557

Examiner

Barbara J. Musser

Applicant(s)

CHOBOTOV ET AL

Art Unit

1733

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview summary dated 3/1/06.
2. ☒ The allowed claim(s) is/are 1-8,10-18,30,34 and 50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3/1/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dan Scola, Jr. on 3/1/06.

The application has been amended as follows:

In the claims, in claim 18, line 7, "e." has been changed to -c.—and in line 9, "f." has been changed to -d.--.

Claim 29 has been canceled.

In the title, "and apparatus" has been deleted.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:
regarding claims 1 and 10, the prior art of record does not teach or fairly suggest a method of manufacturing a graft wherein placing two fusible materials in an overlapping configuration on a shape forming member, forming a seam to form an expandable channel in the overlapped portion, expanding and fixing the channel while it is expanded wherein the channel is collapsible after the fixing. Regarding claim 18, the prior art of record does not teach or fairly suggest a method of manufacturing a graft by overlapping a first fusible material and a second fusible material, forming a seam to form an inflatable channel in the

Art Unit: 1733

overlapped portion, expanding the channel and fixing it while expanded, wherein the channel is collapsible after fixing. Regarding claim 30, the prior art of record does not teach or fairly suggest a method of manufacturing a graft by placing two fusible materials in an overlapping configuration on a mandrel, and forming a seam to form an expandable channel in the overlapped portion, wherein the mandrel has a middle section smaller than the end sections. Regarding claim 34, the prior art of record does not teach or fairly suggest a method of manufacturing a graft by placing two fusible materials in an overlapping configuration on a shape forming member, and forming a seam to form an expandable channel in the overlapped portion, the pressure line which inflates the expandable channel comprising a tubular member with a plurality of apertures whose cross-sections increase in size along the tubular member. Regarding claim 50, the prior art of record does not teach or fairly suggest a method of manufacturing a graft by placing two fusible materials in an overlapping configuration on a mandrel, forming a seam to form an expandable channel in the overlapped portion, expanding the channel and sintering it while it is expanded. Sintering is a process that occurs at extremely high temperatures and therefore would not occur when the graft is within the human body. Fixing the channel is considered to form it to the desired shape such that absent pressure the channel remains expanded, i.e. the channel is set in that shape and remains in that shape absent external actions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should

Art Unit: 1733

preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara J. Musser whose telephone number is (571) 272-1222. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BJM


SAM CHUAN YAO
PRIMARY EXAMINER